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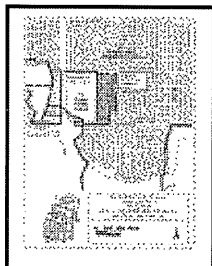
**July 24, 2001**

**SUBJECT:** **Dr. William M. Gaugler/Architectural Committee** [applicant]:  
Application to Rezone 54 parcels in Subdivision Tract 1910. Project is located in an R-1 (Low Density Residential) Zoning District (APN: 320-15-001 through -055):

**Introduction of an Ordinance** **2001-0265** Rezone from R-1 (Low Density Residential) to R-1-S (Low Density Residential, Single-story Combining District.

**REPORT IN BRIEF**

|   |  |
|---|--|
| <b>Existing Site Conditions</b>           | Subdivision Tract of Single Family Houses  |
| <b>Surrounding Land Uses</b>              |  |
| North                                     | Single Family Houses   |
| South                                     | Single Family Houses   |
| East                                      | Single Family Houses   |
| West                                      | Cupertino Middle School  |
| <b>Issues</b>                             | Rezone establishing a One-story Combining District   |
| <b>Environmental Status</b>               | A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines. |
| <b>Planning Commission Recommendation</b> | Approval   |
| <b>Staff Recommendation</b>               | Approval   |

**PROJECT DATA TABLE**

|  |  |                        |                        |
|--|--|------------------------|------------------------|
|  |  | <b><u>PROPOSED</u></b> | <b><u>REQUIRED</u></b> |
|--|--|------------------------|------------------------|

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|                                    | <b><u>EXISTING</u></b>                   | By new zoning   | By current zoning    |
|------------------------------------|--|---|----------------------|
| <b>General Plan</b>                | Low-Density Residential<br>0-7 d.u./acre | Same  | ---                  |
| <b>*** Zoning District</b>         | R1 Low Density Residential               | R1-S Low Density Residential, Single-Story Combining District | ---                  |
| <b>Lot Size (s.f.)</b>             | Varies by parcel<br>(7,000-11,700)       | Same  | 8,000 s.f. min.      |
| <b>*** Gross Floor Area (s.f.)</b> | Varies by parcel<br>(1,300-4,200)        | 40% of lot size max.  | 45% of lot size max. |
| <b>Lot Coverage (%)</b>            | Varies by parcel<br>(30 -40%)            | Same  | 40% max.             |
| <b>*** Floor Area Ratio (FAR)</b>  | Varies by parcel<br>(30-56%)             | 40% of lot size max.  | 45% of lot size max. |
| <b>*** Building Height (ft.)</b>   | Varies by parcel<br>(14 to 28 ft.)       | 17 ft. max.   | 30 ft. max.          |
| <b>*** No. of Stories</b>          | Varies by parcel<br>(1 to 2 stories)     | 1 story max.  | 2 story max.         |

\*\*\*Notes Changes

**ANALYSIS****Background**

In November of 2000, as a result of the large home study issue, the City Council adopted changes to the Single Family Design Criteria and Development Standards found in the Zoning Code. One of these adopted changes allows a neighborhood to apply for a Single-story Combining District which would impose intensity and height limits upon property in the neighborhood.

If approved by Council, a Single-story Combining District would prohibit the construction of new two-story houses or second-story additions, limit Floor Area Ratios to 40%, and limit the maximum building height to 17 feet within the boundaries of a proposed district for a seven year period. At the end of the seven-year period, these restrictions would expire unless the neighborhood files to extend the Combining District for successive seven-year periods. This application represents the

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first Single-story Combining District application received by the City since the adopted changes to the Zoning Code became effective on January 1, 2001.

**Planning Commission Action:** On July 9, 2001, the Planning Commission reviewed this project, adopted the prepared Negative Declaration and recommended that Council approve the requested Rezoning by a vote of 6-0-1 with Commissioner Moylan abstaining because he resides within 500 feet of the proposed Combining District boundaries.

During the public hearing, a property owner within the proposed Combining District boundaries, noted her opposition to a one-story limit because she currently resides in a one-story house that is between two existing two-story houses. Two other residents within the proposed district noted that they were in support of the one-story limit because it would help maintain the scale and character of their neighborhood, and that the one-story limit would avoid potential privacy impacts from second-story window placement.

The Commission received this testimony and recommend approval of the rezoning request.

**Description of Proposed Project**

The applicants are proposing a single-story combining district that will prohibit the construction of new two-story houses or second-story additions, limit building Floor Area Ratios to 40%, and limit the maximum building height of houses to 17 feet within the boundaries of the proposed district. The proposed boundaries of the combining district (Helena Avenue to the North, Wright Avenue to the East, Homestead Road to the South, and Cupertino Middle School to the West) are identical to the original subdivision boundaries for City of Sunnyvale Tract 1910 (Fairorchard) which was the original 54-lot subdivision of Eichler Homes in this neighborhood.

In order to file this application, the applicants are required to:

- Propose boundaries for a district that are clearly delineated (See Attachment 3);
- Contain at least 20 houses;
- Are at least 75% one-story (As proposed, project is 92% single story, See Attachment 6);
- Obtain signatures in support of the application from at least 2/3 of the property owners within the proposed boundaries (36 parcels); and,
- Pay the rezoning and environmental review application fees.

The applicants for this proposed combining district were able to gather signatures in support of the application from 39 of the 54 affected parcels (72% of affected properties). Staff also received one letter in opposition to the proposed combining district (See Attachment 5), but was unable to determine the level of support from the remaining 14 property owners because they have not directly expressed an opinion. Staff has provided numerous opportunities to comment via the notices that were mailed directly to the affected property owners, by conducting a separate

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Neighborhood Meeting with residents, and by posting numerous parcels within the neighborhood.

If approved by Council, the proposed Single-story Combining District would take affect 30 days after the implementing ordinance is adopted.

**Environmental Review**

A Negative declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. The project site is developed and the proposed rezoning will not have any significant environmental impacts.

**Rezoning**

**Change Under Consideration:** The proposed rezone would change the zoning designation for 54 parcels within the proposed district boundaries from R-1 (Low Density Residential) to R-1-S (Low Density Residential, Single-story Combining District), and would prohibit new two-story houses or additions for a seven year period. The rezoning designation would also set a 40% Floor Area Ratio, where up to 45% is currently allowed without a public hearing, and limit building height to 17 feet, where up to 30 feet is currently allowed with design review approval. Besides these three specific limits, the remaining R-1 Single Family Design Criteria and Development Standards found in the Zoning Code (e.g. 40% lot coverage, setbacks, etc.) would be unaffected by the rezone, and any development within the district boundaries must still comply with those requirements.

Of the 54 parcels within the proposed district, 5 have existing two-story houses. Four of these two-story houses are the result of additions to the original one-story Eichler houses and the other is a new two-story house constructed in 2000. One of the other 49 houses was destroyed by a fire and was reconstructed with a roof height in excess of 17 feet. If the proposed rezoning is approved, these 6 houses would be classified as legal non-conforming and could be reconstructed in the same manner if involuntarily destroyed.

**Objective:** The intent of Council's action creating the Single-story Combining District was to *"modify the site development regulations of the R-0, R-1, and R-2 residential zoning districts, to preserve and maintain single-family neighborhoods of predominantly single-story character (SMC Section 19.26.200)."* The applicants have expressed a desire to maintain the pre-dominantly one-story character of their neighborhood and this rezoning request implements both the intent of the ordinance and the desire of a majority of the property owners within the proposed district. The rezoning request would, for a seven-year period, preserve the "status quo" in the neighborhood by maintaining its predominantly one-story character, but would still allow potential for one-story additions. At the end of the seven-year period the Combining District limitations would expire unless another application to extend the term is approved by the City Council.

As noted in the "Description of Proposed Project" section of this report, the proposed project boundaries follows the boundaries established by Sunnyvale Tract 1910. This

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neighborhood of 54 Eichler Homes presents continuity of structure size and architectural style to delineate a recognizable boundary consistent with the intent of the single-story combining district. Although breaking the neighborhood down into smaller areas is possible, staff believes that the project boundaries are reasonable. Moreover, the project represents an effort on the part of a majority of an existing neighborhood to seek support from the City to help preserve its particular character.

**General Plan Consideration:** The present Single Family, Low Density Residential Use General Plan Designation would not be affected by the proposed rezoning request because Single Family, Low Density Residential Uses would still be allowed.

**Discussion:** The following General Plan Policies support the proposed rezone:

| <b>Land Use and Transportation Element</b>   | <b>Comment</b>  |
|--|---|
| <i>C1.1 Recognize that the City is composed of residential, industrial, and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.</i> | The proposed Single-story Combining District recognizes the unique character of this predominantly one-story neighborhood of Eichler houses and allows limited change that is compatible with its existing character. |
| <i>N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial, or commercial.</i>   | The proposed Single-story Combining District protects the integrity of this neighborhood by maintaining its predominantly one-story character for a minimum seven-year period.  |
| <b>Community Design Sub-Element</b>  | <b>Comment</b>  |
| <i>Continue to maintain and develop zoning standards which preserve the quality of residential neighborhoods.</i>  | The proposed Single-story Combining District will help preserve the quality of the existing houses in the neighborhood by recognizing their unique scale and character.   |

### **Compliance with Development Standards**

Implementation of the proposed Single-story Combining District would render five existing two-story homes as legal non-conforming structures. These structures may be used and maintained indefinitely, and may be reconstructed in the same manner if involuntarily destroyed.

### **Expected Impact on the Surroundings**

No negative impact is expected for the properties surrounding the proposed Single-story Combining District. Parcels within the proposed District would be limited to single-story construction during its effective term.

### **Findings**

The City Council may approve an amendment to the Precise Zoning Plan upon

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finding that the amendment, as proposed, changed, or modified is deemed to be in the public interest (Attachment 1).

**Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

Notice of the Negative Declaration and the public hearings for this project were published in the *Sun* newspaper, posted on the site and mailed to the property owners and residents within 300 feet of the project site (Tract 1910). In addition, notices of the public hearings were also included in a separate mail notice that was sent to property owners and residents informing them of a Neighborhood Meeting conducted by staff on Monday, June 18, 2000 in the Arboretum of the City of Sunnyvale Community Center. Approximately a dozen residents from the neighborhood attended the meeting and asked staff questions regarding the proposed rezoning application. During the meeting, staff gave an overview of the application, the requirements of the Single-story Combining District, and the City's public hearing review process. Several residents voiced support for the Combining District and one resident voiced opposition to the proposed Combining District because of future plans to sell.

The staff report for this project was posted on the City of Sunnyvale's Website and a copy of the report was provided at the Reference Section of the City of Sunnyvale's Public Library and to interested parties requesting a copy of the report. The Planning Commission Agenda was posted on the City's official notice bulletin board, City of Sunnyvale's Website and recorded for SunDial.

**Alternatives**

1. Adopt the Negative Declaration and introduce an ordinance to Rezone Subdivision Tract 1910 from R-1 to R-1-S.
2. Adopt the Negative Declaration and introduce an ordinance to Rezone Subdivision Tract 1910 from R-1 to R-1-S with modified boundaries.
3. Adopt the Negative Declaration and introduce an ordinance to Rezone Subdivision Tract 1910 from R-1 to R-1-S with other modifications.
4. Adopt the Negative Declaration and deny the Rezone.
5. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

Alternative 1.

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Approved by:  
Robert S. LaSala  
City Manager

**Attachments:**

1. Findings
2. Negative Declaration
3. Applicants Petition with Map
4. (Draft) Rezoning Ordinance
5. Letter in Opposition
6. Map of the Proposed Single-Story Combining District with Existing 2-Story Houses and Application Supporters.
7. July 9, 2001 (Draft) Planning Commission Minutes

**Findings - Rezone**

1. That the amendment, as proposed, changed, or modified is deemed to be in the public interest in that the approval of the project implements policies of the General Plan to recognize and protect residential neighborhoods.

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